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DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20340-5100



S-17-0043/OCC

APR 07 2017

The Honorable Jason Chaffetz,
Chairman
The Honorable Elijah Cummings,
Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives
Congress of the United States
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Chaffetz and Ranking Member Cummings:

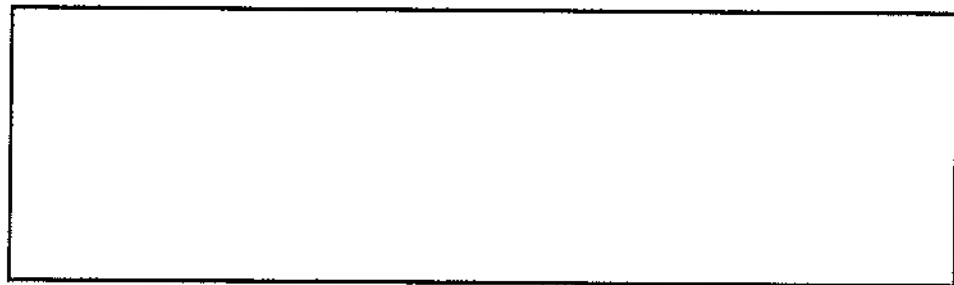
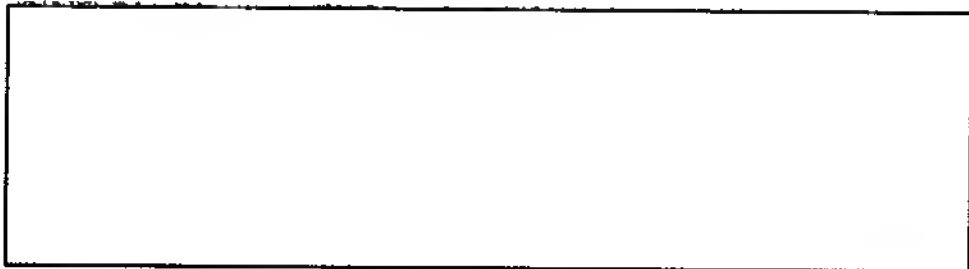
(U) I am responding on behalf of the Secretary of Defense to your letter dated March 22, 2017 requesting records related to former National Security Advisor Lieutenant General (LTG) Michael Flynn, United States Army (Retired). (See Enclosure A.) Because LTG Flynn's last military assignment was as the Director of the Defense Intelligence Agency (DIA), the Office of the Secretary of Defense determined that our Agency is in the best position to provide this response and the requested records.

(U) After a careful search of DIA records, we have determined that DIA maintains records that are responsive to two of the six defined categories in your request letter. With respect to the other four defined categories, we have determined that DIA does not possess any responsive records. Enclosed with this letter, are copies of all responsive records located as a result of the DIA search, as detailed below:

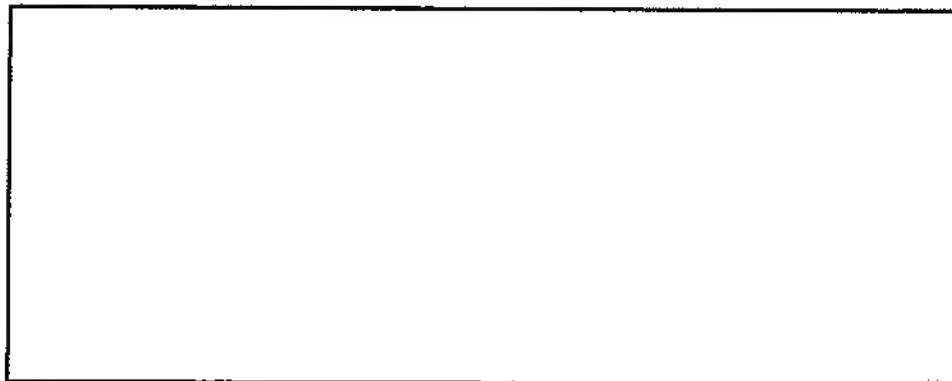
1. (U) Responses to Standard Form (SF) 86 Questions 19, 20A, 20B, and 20C – During the period of time in which DIA maintained responsibility for his personnel security clearance, LTG Flynn completed two routine SF-86 personnel security questionnaires to initiate periodic reinvestigation of his background for continued access to classified information. The first SF-86 submission was in June of 2010 and the second SF-86 submission was in January of 2016. LTG Flynn's responses to questions 19, 20A, 20B, and 20C in both submissions are provided. With respect to the June 2010 submission (and subsequent adjudication in 2012), DIA located nine pages of responsive information. (See Enclosure B.) With respect to the January 2016 submission (and subsequent adjudication later that year), DIA located 31 pages of responsive information. (See Enclosure C.)

2. (U) Investigative or Adjudicative Files Relating to Guideline B (Foreign Influence) or Guideline C (Foreign Preference) – The DIA Office of Security conducted a thorough review of its investigative and adjudicative records systems. No responsive records were located within these records systems. Although any adjudication of LTG Flynn for continued access to classified information would have included consideration of these two guidelines, no records were created to document any specific concerns in these two areas.
3. (U) Documents Referring or Relating to LTG Flynn's Foreign Contacts – With respect to LTG Flynn's reported foreign contacts, DIA was able to locate responsive information within the DIA Office of Security and the DIA Directorate for Operations.
 - a. (U) DIA Office of Security Information – DIA Office of Security personnel maintained contact with LTG Flynn following his retirement for the purpose of holding his personnel security clearance. As noted above concerning another category of requested information, LTG Flynn submitted an updated SF-86 form to the DIA Office of Security after his retirement from the military. Given that DIA maintained his clearance as a former Director, LTG Flynn and DIA's Office of Security were in contact in August and September 2016 for the purpose of updating his foreign travel records. In August 2016, representatives from the DIA Office of Security exchanged e-mail messages with LTG Flynn. (See Enclosure D.) In September 2016, two representatives of the DIA Office of Security met with LTG Flynn at his office in Alexandria, Virginia to discuss upcoming foreign travel and potential foreign contacts; a copy of three pages of e-mail correspondence summarizing the meeting is provided with this response. (See Enclosure E.) The DIA Office of Security has no other records of foreign contacts reported by LTG Flynn.

b.



- ii. (U) Defense Attaché Service Information - DIA HQ and the US Defense Attaché Office in Moscow exchanged a series of emails on December 8-9, 2015 to ensure embassy awareness of LTG Flynn's trip. (See Enclosure G.)
- iii. (U) Internal DIA HQ Email Correspondence - Various internal DIA components exchanged routine emails between November 27, 2015 and November 30, 2016 regarding actual and potential interaction with LTG Flynn. (See Enclosure H.)



- 4. (U) Documents Referring or Relating to LTG Flynn's Receipt of Money from a Foreign Source - DIA did not locate any records referring or relating to LTG Flynn's receipt of money from a foreign source.
- 5. (U) Records of LTG Flynn Seeking Approval for the Acceptance of Payment from a Foreign Source - DIA did not locate any records of LTG Flynn seeking permission or approval for the receipt of money from a foreign source. In response to a separate February 1, 2017 request from Ranking Member Cummings, the Department of the Army explained that it had located no records pertaining to a possible violation of the Emoluments Clause by LTG Flynn. (See Enclosure J.)

(U) In a "post-government employment" letter issued in October of 2014 by the DIA Office of the General Counsel, LTG Flynn was advised of the legal restrictions concerning foreign compensation and instructed to report any potential receipt of compensation in advance to the Department of the Army. Although this letter is not responsive to the Committee's request in this category, that six-page post-government employment letter is provided to explain the appropriate reporting chain for requesting permission to receive payment from a foreign source. (See Enclosure K.)

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In a May 2016 letter from the DIA Chief of Staff to former DIA Directors, LTG Flynn and other past Directors were reminded of their continued reporting requirement to DIA. That letter did not include the responsibility to report foreign compensation. Although this letter is not responsive to the Committee's request in this category, a copy of that two-page letter is provided with this response to further explain guidance given to retired DIA Directors with respect to their continued reporting obligations. (See Enclosure L.)

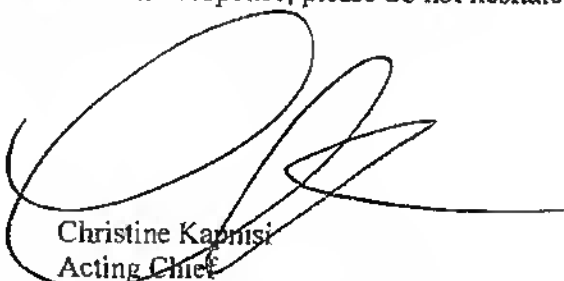
6. (U) Documents Referring or Relating to LTG Flynn's Work with Leading Authorities, Inc. - DIA did not locate any records referring or relating to LTG Flynn's work with Leading Authorities, Inc., other than the contents of the thumb drive provided by LTG Flynn during his meeting with the [redacted] and provided as Enclosure I.

(U) Please be advised that a significant portion of the records provided to the Committee remain exempt from public disclosure pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a. Accordingly, DIA respectfully requests that the Committee handle this information pursuant to the requirements of the Privacy Act. Further, the DIA Directorate of Operations memorandum that has been provided to the Committee remains currently and properly classified pursuant to the provisions of Executive Order 13526. Therefore, DIA respectfully requests that the Committee handle this information as classified pursuant to the requirements of the Executive Order. Finally, DIA has provided information within the responsive documents that personally identifies government intelligence officers. Because of the potential risk of harm to these individual employees and consequently to the overall mission of the Agency, DIA respectfully requests that the Committee protect the names of these intelligence officers pursuant to 10 U.S.C. § 424.

(U) If you have any questions or concerns related to this response, please do not hesitate to contact me at [redacted]

12 Enclosures: a/s, 2 cy.

CC (Without Enclosures):
House Permanent Select Committee on
Intelligence, 2 cy.
Senate Select Committee on Intelligence,
2 cy.
House Armed Services Committee, 2 cy.
Senate Armed Services Committee, 2 cy.


Christine Kapnisi
Acting Chief
Congressional Relations Division

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LIST OF ENCLOSURES

Enclosure A: Official Request Letter from House Committee on Oversight and Government Reform, dated March 22, 2017

Enclosure B: Portions of LTG Flynn's SF-86 Filing, October 2010

Enclosure C: Portions of LTG Flynn's SF-86 Filing, January 2016

Enclosure D: Email Correspondence between DIA and LTG Flynn, August 2016

[REDACTED]

[REDACTED]

Enclosure G: Email Correspondence between DIA Headquarters and US Defense Attaché Office in Moscow, December 2015

Enclosure H: Internal DIA Email Correspondence between November 27, 2015 and November 30, 2016

[REDACTED]

Enclosure J: Department of Army Response to February 1, 2017 Letter from Ranking Member Cummings, dated February 14, 2017

Enclosure K: Post Government Employment Ethics Letter issued to LTG Flynn, dated October 8, 2014

Enclosure L: DIA Chief of Staff Guidance to Former Directors, May 2016